

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 8, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 379, 2/1/2011; HB 382, 2/1/2011

Executive Action: HB 271, HB 355, HB 360, HB 365, HB 374

HEARING ON HB 379

Opening Statement by Sponsor:

00:09:12 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 379, Generally revise search warrant requirements.

Proponents' Testimony:

00:14:28 Brent Light, Chief Prosecutor, Attorney General's Office (AG)

00:15:21 Leo Gallagher, Lewis and Clark County Attorney

00:16:29 Larry Epstein, Montana County Attorneys' Association (MCAA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:18:24 Rep. Wagner

00:19:56 Rep. Menahan

00:20:17 Rep. More

00:21:20 Mr. Gallagher

00:21:24 Mr. More

00:22:05 Mr. Gallagher

00:23:18 Rep. Harris

00:23:45 Mr. Gallagher

00:24:00 Rep. Howard

00:24:47 Mr. Gallagher

00:25:54 Rep. Hansen

00:26:13 Rep. Wagner

00:26:48 Mr. Gallagher

00:27:04 Rep. Wagner

00:27:20 Mr. Gallagher

Closing by Sponsor:

00:28:17 Rep. Menahan

00:30:28 Rep. Menahan exited.

HEARING ON HB 382**Opening Statement by Sponsor:**

00:30:29 Rep. Derek Skees (R), HD 4, opened the hearing on HB 382, Prohibit infringement of constitutional right to nullify certain fed legislation.

[EXHIBIT\(juh31a01\)](#)

[EXHIBIT\(juh31a02\)](#)

00:31:43 Rep. Menahan returned.

Proponents' Testimony:

00:51:40 Tim Ravndal, Tenth Amendment Center of Montana, Lewis and Clark Conservative Tea Party Group

00:53:26 Rep. O'Hara exited.

[EXHIBIT\(juh31a03\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:57:39 Rep. More
00:58:31 Rep. Skees
00:58:44 Rep. More
00:59:19 Rep. Skees
00:59:33 Rep. Hansen
00:59:43 Rep. O'Hara returned.
01:00:46 Rep. Skees
01:01:08 Rep. Pease-Lopez exited.
01:02:30 Rep. Hill
01:02:36 Rep. Pease-Lopez returned.
01:03:34 Rep. Skees
01:04:00 Rep. Hill
01:05:06 Rep. Skees
01:05:57 Rep. Harris
01:06:11 Rep. Driscoll exited.
01:07:44 Rep. Skees
01:07:59 Rep. MacDonald
01:08:20 Rep. Menahan exited.
01:08:43 Rep. Skees
01:09:17 Rep. MacDonald
01:09:53 Rep. Skees
01:10:07 Rep. Howard returned.
01:10:20 Rep. Driscoll returned
01:10:26 Rep. Sands
01:10:47 Rep. Skees
01:11:09 Rep. Sands
01:11:23 Rep. Menahan returned.
01:11:48 Rep. Skees
01:12:15 Rep. Sands

01:12:20 Rep. Skees
01:12:23 Rep. Sands
01:13:01 Rep. Skees
01:13:13 Rep. Sands
01:13:30 Rep. Read exited.
01:13:52 Rep. Skees
01:14:01 Rep. Sands
01:14:39 Rep. Skees
01:14:45 Rep. Sands
01:15:09 Rep. Skees
01:15:15 Rep. Sands
01:15:23 Rep. Hill
01:15:59 Rep. Skees
01:16:26 Rep. Harris
01:17:10 Rep. Skees
01:17:19 Rep. Menahan
01:18:00 Rep. Skees
01:18:47 Rep. Menahan
01:19:09 Rep. Skees
01:20:14 Rep. Menahan
01:21:01 Rep. Skees

Closing by Sponsor:

01:21:55 Rep. Skees

01:25:09 Rep. Sands
01:25:27 Chairman Peterson
01:26:22 Meeting recessed until 9:45
01:50:33 Meeting reconvened with Rep. Driscoll, Rep. Read, and Rep. Warburton absent.

EXECUTIVE ACTION ON HB 355

01:50:46 **Motion:** Rep. Kerns moved that **HB 355 DO PASS.**

01:51:12 **Motion:** Rep. Regier moved that **HB 355 BE AMENDED.**
EXHIBIT(juh31a04)

Discussion:

01:51:30 Rep. Regier

01:52:20 **Vote:** Motion carried unanimously by voice vote.

01:52:22 **Motion:** Rep. Kerns moved that **HB 355 DO PASS AS AMENDED.**

Discussion:

01:52:37 Rep. Driscoll entered.
01:53:08 Rep. Howard
01:54:23 Vice Chairman Kerns
01:54:38 Rep. More

01:55:37 Rep. MacDonald
01:56:07 Rep. Warburton entered.
01:56:54 Rep. Bangerter
01:57:43 Chairman Peterson
01:58:21 Rep. Hill entered.
01:59:02 Rep. Wagner
02:00:55 Rep. Harris

02:01:32 **Vote:** Motion failed 7-13 by roll call vote with Rep. Kerns, Rep. More, Rep. Read, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting aye. Rep. Read voted by proxy.

02:02:37 **Motion/Vote:** Rep. Kerns moved that **HB 355 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 360

02:02:50 **Motion:** Rep. Kerns moved that **HB 365 DO PASS**.

Discussion:

02:03:21 Rep. Bangerter
02:03:59 Rep. Menahan
02:05:17 Rep. Harris
02:05:59 Rep. Menahan
02:07:08 Rep. Harris
02:07:26 Rep. Menahan
02:07:41 Rep. MacDonald
02:08:13 Rep. Hansen
02:08:44 Rep. More
02:09:51 Chairman Peterson
02:10:02 Rep. Kerns
02:10:34 Chairman Peterson
02:11:20 Rep. Harris

02:11:43 **Vote:** Motion carried 13-7 by roll call vote with Rep. Driscoll, Rep. Harris, Rep. Kerns, Rep. Read, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Read voted by proxy.

EXECUTIVE ACTION ON HB 365

02:13:37 **Motion:** Rep. Menahan moved that **HB 365 DO PASS**.

Discussion:

12:14:09 Rep. Menahan
02:16:31 Chairman Peterson
02:16:36 Rep. Menahan
02:17:19 Rep. Howard
02:18:23 Rep. Menahan

02:20:08 Rep. Harris
02:20:39 Rep. Driscoll
02:20:44 Rep. Hill
02:21:09 Chairman Peterson
02:21:15 Rep. Hill
02:22:19 Rep. Menahan
02:23:08 Rep. Kerns
02:23:56 Rep. Pease-Lopez
02:24:43 Chairman Peterson
02:25:40 Rep. Wagner

02:26:43 **Vote:** Motion carried 17-3 by roll call vote with Rep. Kerns, Rep. Skattum and Rep. Warburton voting no.

EXECUTIVE ACTION ON HB 374

02:27:03 **Motion:** Rep. Hansen moved that **HB 374 DO PASS.**

Discussion:

02:27:25 Rep. Loney
02:27:44 Chairman Peterson
02:28:38 Rep. Bangerter
02:29:05 Rep. Hansen
02:29:14 Mr. Niss
02:29:29 Rep. Bangerter
02:30:05 Rep. Hansen
02:31:09 Chairman Peterson
02:31:21 Rep. Bangerter
02:31:51 Rep. Hansen
02:32:53 Chairman Peterson

02:33:21 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON HB 271

02:34:20 **Motion/Vote:** Rep. Kerns moved that **HB 271 BE LIFTED FROM THE TABLE.** Motion carried 11-9 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. Howard, Rep. MacDonald, Rep. Menahan, Rep. O'Hara, Rep. Pease-Lopez and Rep. Sands voting no.

02:34:56 Chairman Peterson announced that the bill will be reconsidered at a later date.
02:36:57 Rep. Sands

ADJOURNMENT

02:37:59 Adjournment:

Karen Armstrong, Secretary

ka

Additional Documents:

EXHIBIT([juh31aad.pdf](#))